

TO:

Mail Stop 8
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REPORT ON THE
FILING OR DETERMINATION OF AN
ACTION REGARDING A PATENT OR
TRADEMARK

In Compliance with 35 U.S.C. §290 and/or 15 U.S.C. § 1116, you are hereby advised that a court action has been
filed in the U.S. District Court for the Northern District of California on the following ☒ Patents or ☐
Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT Northern District of California, San Jose Branch
PLAINTIFF TERUMO CARDIOVASCULAR SYSTEMS CORPORATION		DEFENDANT MAQUET CARDIOVASCULAR LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1. see complaint		
2. 5,575,756		
3.		
4.		
5.		

In the above-entitled case, the following patent(s) / trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1.			
2.			
3.			

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION / JUDGMENT

CLERK	(BY) DEPUTY CLERK	DATE
-------	-------------------	------

Copy 1 - Upon initiation of action, mail this copy to Director
Copy 2 - Upon filing document adding patent(s), mail this copy to Director
Copy 3 - Upon termination of action, mail this copy to Director
Copy 4 - Case file copy.

1 Mathias W. Samuel (pro hac vice to be filed, MN Bar No. 272164)
(samuel@fr.com)

2 FISH & RICHARDSON P.C.
3 60 South Sixth Street
3300 RBC Plaza
4 Minneapolis, MN 55402
Telephone: 612-335-5070
Facsimile: 612-288-9696

5 John D. Garretson (pro hac vice to be filed, NY Bar No. 2595395)
(garretson@fr.com)

6 FISH & RICHARDSON P.C.
7 Citigroup Center - 52nd Floor
153 East 53rd Street
8 New York, NY 10022-4611
Telephone: 212-765-5070
9 Facsimile: 212-258-2291

10 Shelley K. Mack (CA Bar No. 209596)
(mack@fr.com)

11 FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
12 Redwood City, CA 94063
Telephone: 650-839-5070
13 Facsimile: 650-839-5071

14 Attorneys for Plaintiff
15 TERUMO CARDIOVASCULAR SYSTEMS CORPORATION

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18
19 TERUMO CARDIOVASCULAR SYSTEMS
20 CORPORATION,

21 Plaintiff,

22 v.

23 MAQUET CARDIOVASCULAR L.L.C.,

24 Defendant.

25
26
27 Plaintiff Terumo Cardiovascular Systems Corporation ("Terumo") brings this complaint
28 against Defendant Maquet Cardiovascular, L.L.C. ("Maquet") and alleges as follows:

ORIGINAL
FILED
08 AUG 21 PM 1:58
RICHARD W. WIERING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CALIF. S.D.

FILED

ADR

C08 04003

EMC

Case No. _____

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

1 **THE PARTIES**

2 1. Terumo is a Delaware corporation with its principal place of business at 6200
3 Jackson Road, Ann Arbor, Michigan 48103.

4 2. On information and belief, Maquet is a limited liability company existing under the
5 laws of Delaware and having a principal place of business at 170 Baytech Drive, San Jose, CA
6 95134.

7 3. On information and belief, Maquet develops, manufactures, markets, and sells or has
8 sold endoscopic vein harvesting products, including the VasoView HemoPro, VasoView 7xB,
9 VasoView 7xS, VasoView 6, VasoView 5, VasoView 4, and other versions having similar
10 configurations (collectively, the "VasoView products"), that practice and/or embody patents owned
11 by Terumo.

12 **JURISDICTION AND VENUE**

13 4. This is an action for infringement of under the patent laws of the United States, 35
14 U.S.C. § 100 et seq.

15 5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

16 6. This Court has personal jurisdiction over Maquet because it maintains its principal
17 place of business in this District and is registered to do business in California, and because, on
18 information and belief, Maquet has harmed Terumo in this District by making, using, selling,
19 offering for sale, and/or importing products, including its VasoView products, that directly and/or
20 indirectly infringe Terumo's patents.

21 7. Upon information and belief, venue is proper in this Court pursuant to 28 U.S.C.
22 §§ 1391(b), (c) and 1400 because the Defendant is subject to personal jurisdiction in this judicial
23 District.

24 **COUNT 1 - INFRINGEMENT OF THE '756 PATENT**

25 8. Paragraphs 1 through 7 are incorporated herein as set forth above.

26 9. United States Patent No. 5,575,756 ("the '756 patent"), entitled "Endoscope
27 Apparatus," was duly and lawfully issued by the United States Patent and Trademark Office on
28

1 November 19, 1996. Terumo is the assignee of all substantial rights under the '756 patent,
2 including the right to sue in its own name for past, current and future infringement. A copy of the
3 '756 patent is attached as Exhibit A.

4 10. Upon information and belief, Maquet has been and is now infringing, inducing
5 infringement, and contributing to the infringement of the '756 patent in this District by making,
6 using, selling, offering to sell, and/or importing products, including the VasoView products,
7 covered by one or more claims of the '756 patent, and/or contributing to or inducing infringement
8 by third parties, all to the injury of Terumo.

10 11. Maquet's infringement has been willful and deliberate.

11 12. Maquet's acts of infringement have injured and damaged Terumo.

12 13. Maquet's infringement has caused irreparable injury to Terumo and will continue to
13 cause irreparable injury until Maquet is enjoined from further infringement by this Court.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Terumo prays for the following relief:

16 A. judgment that Maquet infringes the '756 patent;

17 B. a permanent injunction preventing Maquet and its officers, directors, agents,
18 servants, employees, attorneys, licensees, successors, assigns, and customers, and those in active
19 concert or participation with any of them, from making, using, importing, offering to sell, or selling
20 any device that infringes any claim of the '756 patent;

21 C. judgment against Maquet for money damages sustained as a result of Maquet's
22 infringement of the '756 patent;

23 D. an award of treble damages to Terumo pursuant to 35 U.S.C. § 284;

24 E. costs and reasonable attorneys' fees incurred in connection with this action pursuant
25 to 35 U.S.C. § 285; and
26
27
28

1 F. such other and further relief as this Court finds just and proper.

2 **JURY DEMAND**

3 Terumo demands trial by jury pursuant to Fed. R. Civ. P. 38 for all issues to which it has a
4 right to trial by jury.
5

6
7 Dated: August 21, 2008

FISH & RICHARDSON P.C.

8
9 By: Shelley K. Mack
10 Shelley K. Mack

11 Attorneys for Plaintiff
12 TERUMO CARDIOVASCULAR SYSTEMS
13 CORPORATION
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28